

EXHIBIT 175

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MICHAEL RAPAPORT AND MICHAEL)
DAVID PRODUCTIONS, INC.,)
Plaintiffs,)
VS.) CASE NO.
BARSTOOL SPORTS, INC., ADAM) 1:18-CV-08783
SMITH, KEVIN CLANCY, ERIC)
NATHAN, AND DAVID PORTNOY,)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF DANIEL T. DURBIN, PH.D.

Los Angeles, California

Monday, January 20, 2020

9:14 a.m. to 6:21 p.m.

Reported by: NIKKI ROY

CSR No. 3052

Videotaped deposition of DANIEL T. DURBIN,
PH.D., taken on behalf of the Defendant, at 1900
Avenue of the Stars, Los Angeles, California, on
Monday, January 20, 2020 at 9:14 a.m., before NIKKI
ROY, CSR No. 3052.

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25 ALSO PRESENT:

MICHELLE BARTFAY, videographer

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DANIEL T. DURBIN,		
PH.D.		
	MR. MOSS	7, 108

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1 context, because I have no idea.

2 BY MR. MOSS:

3 Q. Take a look at the top of page 15.

4 A. Uh-huh. Okay.

5 Q. You use the term "insult-oriented sports
6 satire" --

7 A. Uh-huh.

8 Q. -- in describing the Barstool brand?

9 A. Yeah.

10 MR. BUSCH: Objection; again,
11 mischaracterizes his testimony he just gave you a
12 second ago, and it's been asked and answered; it's
13 out of context.

14 BY MR. MOSS:

15 Q. Why did you use that term in describing
16 Barstool Sports?

17 MR. BUSCH: Objection; again, asked and
18 answered.

19 THE WITNESS: In this case, because --
20 particularly Michael Rapaport's input, I think was
21 meant to be satirical, at least the perspective that
22 he gives on his little video showing that he was --
23 or stating that he was going to Barstool. And to a
24 degree I think -- Portnoy notes this -- that he was
25 supposed to bring this kind of language there. That

1 was not there to represent the entire Barstool brand
2 as in some way satirical, which I think it's -- you
3 know, no one really would.

4 It is that Michael Rapaport's -- the only
5 word I can think of is "input," and I want a better
6 word -- input, what he was going to bring to the
7 brand was to help amp up some parts of satire.

8 BY MR. MOSS:

9 Q. Okay. But in the sentence you said
10 (reading):

11 "Barstool sought him out when
12 Rapaport was already known for the
13 type of insult-oriented sports satire
14 that makes up the Barstool brand."

15 So weren't you saying that in bringing
16 Mr. Rapaport to the table, Mr. Rapaport was known for
17 insult-oriented sports satire, he was coming over to
18 Barstool and Barstool was already known for
19 insult-oriented sports satire?

20 MR. BUSCH: Objection; argumentative.
21 You're just arguing with him now. And it's been
22 asked and answered, and it mischaracterizes his
23 testimony.

24 THE WITNESS: So the, might be ineloquently
25 stated in the sentence, but the meaning of the

1 sentence is that some part of what they do is satire.

2 Well, actually, "satire" is probably an ineloquent

3 term as well. Part of what they do is

4 insult-oriented rhetoric. And it's part of

5 representing, you know, a kind of way that masculine

6 sports fans are -- supposedly look at sports where

7 they -- where they're able to insult each other as

8 they talk about the sports.

9 So the -- there is use of satire on

10 Barstool. I haven't denied that, and I would never

11 deny that. Is it an satirical brand itself? No. It

12 is a -- I think David Portnoy put it best: It's a

13 lifestyle brand that embodies a type of persona for

14 its followers that they embrace.

15 So the -- Michael Rapaport was supposed to

16 bring celebrity, at least that's what they said in

17 their conversations after the firing. And that

18 celebrity was tied to one thing that they do, which

19 is insult-oriented sports comments, sports

20 discussion. So the -- is some of that in some way

21 satirical? Some of it, it is, but that's certainly

22 not the dominant or the fundamental brand for

23 Barstool.

24 BY MR. MOSS:

25 Q. So you referenced a moment ago Barstool

1 DECLARATION UNDER PENALTY OF PERJURY

2
3
4 I, DANIEL T. DURBIN, PH.D., do hereby
5 certify:

6
7 That I have read the foregoing deposition;

8 That I have made such changes in form
9 and/or substance to the within deposition as might be
10 necessary to render the same true and correct, but have
11 limited such changes to actual reporting errors or
12 errors in fact, as opposed to editing the content
13 generally;

14 That having made such changes thereon as
15 were required, I hereby subscribe my name to the
16 completed deposition.

17 I declare under penalty of perjury that
18 the foregoing is true and correct.

19
20 Executed at this _____ day of
21 _____, 2020, at _____,
22 State of California.

23
24 _____
25 DANIEL T. DURBIN, PH.D.

1 I, Nikki Roy CSR No. 3052, Certified Shorthand
2 Reporter, hereby certify that:

3 I am authorized to administer oaths or affirmations.
4 (Cal. Code of Civ. P. Sec. 2093 (b) and Fed. R. Civ. P. 28(a)).

5 The foregoing proceedings were taken before me at the
6 time and place therein set forth, at which time the witness
7 was duly sworn by me. (Cal. Code Civ. Proc. 2025.330(a),
8 2025.540(a) and Fed. R. Civ. P. 30(f)(1)).

9 The foregoing pages contain a full, true and accurate
10 record of all proceedings and testimony. (Cal. Code Civ.
11 Proc. 2025.540(a) and Fed. R. Civ. P. 30(f)(1)).

12 I am not a relative or employee of the parties,
13 nor financially interested in the action. (Cal. Code Civ.
14 Proc. 2025.320(a)).

15 Before completion of the proceedings, review of the
16 transcript [] was [x] was not requested. If requested,
17 any changes made by the witness (and provided to the reporter)
18 during the period allowed, are appended hereto.
19 (Fed. R. Civ. P. 30(e)).

20 I declare under penalty of perjury under the laws of
21 California that the foregoing is true and correct.

22 Dated this day of January 31, 2020.

23 _____
24 Nikki Roy

25 C.S.R. No. 3052